

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney  
86 Chambers Street  
New York, NY 10007  
Telephone No.: (212) 637-2710  
Fax No.: (212) 637-2717

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA, :  
  
Plaintiff, : ORDER TO SHOW CAUSE  
  
v. : 07 CIV 7488 (RJS)  
  
MICHAEL SILLA, :  
  
Defendant. :  
-----X

NOTICE: THIS IS A COURT ORDER WHICH REQUIRES YOU TO APPEAR IN  
PERSON IN ROOM \_\_\_\_, UNITED STATES COURTHOUSE, 500 PEARL  
STREET, NEW YORK, NEW YORK 10007 AT \_\_\_\_ ON \_\_\_\_, 2008

On the annexed summons and complaint, the annexed proof of service by the  
process service, and the annexed Declaration of Kathleen A. Zebrowski, Assistant United States  
Attorney, it is hereby

ORDERED that the defendant appear before United States District Judge Richard  
J. Sullivan, Room \_\_\_\_, United States Courthouse, 500 Pearl Street, New York, New York 10007,  
New York, City, County, State, and Southern District of New York, on the \_\_\_\_ day of \_\_\_\_,  
2008, at \_\_\_\_ in the \_\_\_\_noon of that day and show cause why a default judgment should not

be entered against defendant pursuant to Rule 55(b)(2) of the Federal rules of Civil Procedure,  
and why the plaintiff should not have such other and further relief as may be just and proper, and  
it is further

ORDERED AND DECREED that a copy of this Order and the papers upon which  
it is based may served by \_\_\_\_\_, 2008, upon defendant by mailing a copy thereof, by  
first-class mail addressed to the defendant or at defendant's last known residence, to wit, 140  
West End Ave., Apt. #17G, New York, NY 10023-6142;

Dated: New York, New York

January , 2008

---

UNITED STATES DISTRICT JUDGE

MICHAEL J. GARCIA  
UNITED STATES ATTORNEY FOR THE  
SOUTHERN DISTRICT OF NEW YORK  
By: KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Telephone No.: (212) 637-2710  
Fax No.: (212) 637-2717

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :

Plaintiff, :

- v. - :

DEFAULT JUDGMENT

MICHAEL SILLA, :

07 CIV 7488 (RJS)

Defendant. :

-----X

AN ORDER having been issued, directing defendant to show cause why a default judgment should not be entered against her, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure; the Order to Show Cause having been served on defendant in accordance with its terms; the return thereof having been duly filed; the matter having come to be heard before me pursuant to the order; Assistant United States Attorney, Kathleen A. Zebrowski, having been appeared in support thereof; and no one having appeared in opposition thereto.

NOW, on the motion of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for plaintiff, it is hereby

ORDERED, ADJUDGED and DECREED that plaintiff have judgment against the defendant Michael Silla, in the sum of \$47,583.09, plus \$26,601.26 representing interest at

the rate of 8.25 percent per annum, together with costs and disbursements in the sum of \$400.00 amounting in all to the sum of \$74,584.35, with interest thereafter from the date judgment as provided by law, and that plaintiff have execution therefor.

Dated: New York, New York

January , 2008

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UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA, :  
  
Plaintiff, :  
  
v. : 07 CIV 7488 (RJS)  
  
MICHAEL SILLA, :  
  
Defendant. :  
-----X

KATHLEEN A. ZEBROWSKI, pursuant to 28 U.S.C. § 1746, declares the  
following under penalty of perjury:

1. I am an Assistant United States Attorney in the office of Michael J. Garcia,  
the United States Attorney for the Southern District of New York, attorney for plaintiff. I am  
responsible for the prosecution of the case and am familiar with the matters set forth herein. The  
information contained in this declaration was obtained from the records and files of the United  
States Attorney's office.
2. I submit this declaration in support of plaintiff's application for an Order  
directing defendant to show cause why the court should not enter a default judgment against  
defendant pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.
3. On August 23, 2007, this action was commenced with the filing of the  
complaint and issuance of a summons. This Court has jurisdiction over this matter pursuant to  
28 U.S.C. § 1345. The United States seeks recovery from defendant on a defaulted federally  
guaranteed student loan.

4. On September 1, 2007, the defendant was served with the summons and complaint by leaving a copy at his residence with a person of suitable age and discretion. Proof of such service was filed with the Clerk of the Court on September 11, 2007. A copy of the summons and complaint and a copy of the Affidavit of Service are annexed hereto as Exhibit A.

5. Defendant has not appeared, answered, or made any motion with respect to the complaint, and the time for defendant to appear, answer or make any motion with respect to the complaint has long since expired. Defendant is therefore now in default.

6. The amount shown on the annexed Statement for Judgment is justly due and owing, no part thereof has been paid except as appears on the statement, and the disbursements sought to be taxed have made in this action.

7. Upon information and belief, defendant is not in the military service of the United States and is not an infant or an incompetent person.


8. Plaintiff is making this application for a default judgment by order to show cause, rather than by motion, pursuant to the Court's directions.

9. No previous request for the relief sought has been made.

WHEREFORE, your deponent prays for an Order requiring defendant to show cause why the default judgment should not be entered against defendant, pursuant to Fed. R. Civ. P. 55(b)(2), along with such other and further relief as the Court deems just and proper.

Dated: New York, New York

January 2, 2008

  
KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA, :

Plaintiff, :

- v. - :

STATEMENT FOR JUDGMENT

MICHAEL SILLA, :

07 CIV 7488 (RJS)

Defendant. :

-----X

Principal amount sued for ..... \$47,583.09

Interest (at 8.25 percent per annum) on the  
principal amount due as of January 2, 2008. .... \$26,601.26

Costs ..... \$400.00

U.S. Attorney's Docket Fee ... \$350.00

Service Fee. .... \$50.00

TOTAL AMOUNT OF JUDGMENT ..... \$74,584.35

**EXHIBIT A**



MICHAEL J. GARCIA  
Case 1:07-cv-07488-RJS Document 4 Filed 01/02/2008 Page 9 of 20  
United States Attorney for the  
Southern District of New York  
By: KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Telephone No.: (212) 637-2710  
Fax Number: (212) 637-2717

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SILLA,

Defendant.  
-----X

07 CV 17488

SUMMONS  
JUDGE SULLIVAN

07 Civ.

TO: Michael Silla  
140 West End Ave., Apt. #17G  
New York, NY 10023-6142

You are hereby summoned and required to file with the Clerk of this Court and  
serve upon Michael J. Garcia, United States Attorney for the Southern District of New York,  
plaintiff's attorney whose address is 86 Chambers Street, New York, New York 10007, an  
answer to the complaint which is herewith served upon you, within 20 days after service of the  
Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default  
will be taken against you for the relief demanded in the complaint.

**J. MICHAEL McMAHON**  
Clerk of the Court

(Seal of the United  
States District Court)

By: \_\_\_\_\_

Deputy Clerk

Dated: \_\_\_\_\_  
(This summons is issued pursuant  
to Rule 4 of the Federal Rules of  
Civil Procedure)

MICHAEL J. GARCIA  
 United States Attorney for the  
 Southern District of New York  
 By: KATHLEEN A. ZEBROWSKI  
 Assistant United States Attorney  
 86 Chambers Street  
 New York, New York 10007  
 Telephone No.: (212) 637-2710  
 Fax Number : (212) 637-2717

07 CV 7488

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

JUDGE SULLIVAN

-----X  
 UNITED STATES OF AMERICA,

Plaintiff,

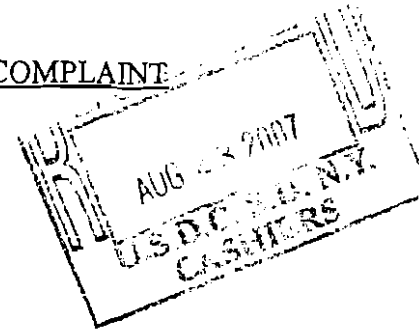
- v. -

Michael Silla,

Defendant.  
 -----X

VERIFIED COMPLAINT

07 Civ.



Plaintiff United States of America (the "United States"), by and through its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, alleges upon information and belief that:

1. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1345.
2. Defendant Michael Silla (the "defendant") resides at 140 West End Ave., Apt. #17G, New York, NY 10023-6142, within the Southern District of New York.

FIRST CAUSE OF ACTION

3. Defendant applied for and received a student loan from the lender whose name is set out in the defendant's promissory note(s) evidencing the loan, copies of which are annexed hereto as Exhibit A and incorporated herein.
4. Defendant defaulted on said note(s) and owes the amount said note(s) and

4. Defendant defaulted on said note(s) and owes the amount said note(s) and interest.

5. The United States is the assignee and present holder of said note(s).

6. The amount due and owing plaintiff by defendant on said note(s) is \$47,583.09, plus interest in the amount of \$25,170.90, as of August 22, 2007, with interest accruing thereafter at the rate of 8.25 percent per annum. A Certificate of Indebtedness from the United States Department of Education is annexed hereto as Exhibit B and incorporated herein.

SECOND CAUSE OF ACTION

7. Plaintiff repeats and realleges the allegations contained in paragraphs numbered one through six.

8. Plaintiff insured the aforementioned note(s) pursuant to Title IV of the Higher Education Act of 1965, Public Law 89-329.

9. The lender made an insurance claim on the United States for the amount of the lender's loss arising from the defendant's default on said note(s), which claim has been paid by the United States to the lender.

10. Plaintiff is entitled to be indemnified by defendant in the amount of \$72,753.99 as of August 22, 2007, with interest accruing thereafter at the rate of 8.25 percent per annum.

\$72,753.99 plus interest as provided by law to the date of judgment and interest from the date of judgment at the legal rate until paid in full, together with costs and disbursements and for such other and further relief as this Court deems just and proper.

Dated: New York, New York

August 23, 2007

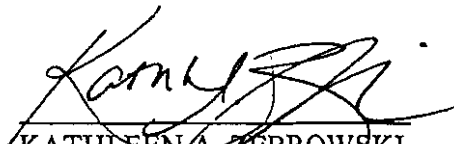
MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the Plaintiff

By: 

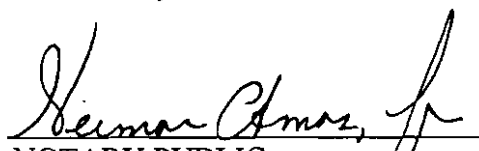
KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Telephone No.: (212) 637-2710

STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

KATHLEEN A. ZEBROWSKI, being duly sworn, deposes and says that she is an Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, that she has read the foregoing complaint, and that the same is true and accurate to the best of her knowledge and belief.

  
KATHLEEN A. ZEBROWSKI  
Assistant United States Attorney

Sworn to before me this 23<sup>rd</sup>  
day of AUGUST, 2007

  
NOTARY PUBLIC

HERMAN AMOS JR.  
Notary Public, State of New York  
No. 31-4961368  
Qualified in New York County  
Commission Expires Feb. 5, 2010

EXHIBIT A

Promissory Note

Page 1 of 3

JAN 09 2001

Borrower's Name: Michael Silla  
 Borrower's Social Security Number: 073-541-4089

## REPAYMENT PLAN SELECTION

Carefully read question #5, "What are my repayment plan options?" on the "Frequently Asked Questions" Page to understand the repayment plans available to you. Then, complete this section to select your repayment plan. Remember--

- All student loans must be repaid under the same repayment plan. Parent PLUS loans may be repaid under a different repayment plan.
- If you select the Income Contingent Repayment Plan, you must complete the "Repayment Plan Selection" AND "Income Contingent Repayment Plan Consent to Disclosure of Tax Information" forms. Both forms can be downloaded from the "Forms and Publications" Page. Your selection cannot be processed without these forms.
- If you want to consolidate a defaulted student loan(s) and you have not made a satisfactory repayment arrangement with your current holder(s), you must select the Income Contingent Repayment Plan.

Place an "X" in the box that corresponds to your repayment plan selection for each loan type. Note that Direct PLUS Consolidation Loans cannot be repaid under the Income Contingent Repayment Plan.

		Income Contingent	Standard	Extended	Graduated
STUDENT LOANS	Direct Subsidized and Unsubsidized Consolidation Loans:	X			
PARENT LOANS	Direct Plus Consolidation Loans:	N/A			

## PROMISSORY NOTE

## Promise to Pay:

I promise to pay to the U.S. Department of Education (ED) all sums (hereafter "loan" or "loans") disbursed under the terms of this Promissory Note (note) to discharge my prior loan obligations, plus interest, and other fees that may become due as provided in this note. If I fail to make payments on this note when due, I will also pay collection costs including but not limited to attorney's fees and court costs. If ED accepts my application, I understand that ED will on my behalf send funds to the holder(s) of the loan(s) selected for consolidation in order to pay off this loan(s). I further understand that the amount of this loan will equal the sum of the amount(s) that the holder(s) of the loan(s) verified as the payoff balance(s) on that loan(s) selected for consolidation. My signature on this note will serve as my authorization to pay off the balance(s) of the loan(s) selected for consolidation as provided by the holder(s) of such loan(s).

This amount may be more or less than the estimated total balance I have indicated in the Loan Information Section. Further, I understand that if any collection costs are owed on the loans selected for consolidation, these costs may be added to the principal balance of the consolidation loan.

I understand that this is a Promissory Note. I will not sign this note before reading it, including the text on the reverse side, even if I am advised not to read the note. I am entitled to an exact copy of this note and a statement of the Borrower's Rights and Responsibilities. My signature certifies that I have read, understand, and agree, to the terms and conditions of this note, including the Borrower Certification and Authorization printed on the reverse side and the Borrower's Rights and Responsibilities.

If consolidating jointly with my spouse, we agree to the same terms and conditions contained in the Borrower Certification and Authorization. In addition, we confirm that we are legally married to each other and understand and agree that we are and will continue to be held jointly and severally liable for the entire amount of the debt represented by the Federal Direct Consolidation Loan without regard to the amounts of our individual loan obligations that are consolidated and without regard to any change that may occur in our marital status. We understand that this means that one of us may be required to pay the entire amount due if the other is unable or refuses to pay. We understand that the Federal Direct Consolidation Loan we are applying for will be cancelled only if both of us qualify for cancellation. We further understand that we may postpone repayment of the loan only if we provide ED with written requests that confirm Federal Direct Consolidation Loan Program deferment or forbearance eligibility for both of us at the same time.

I UNDERSTAND THAT THIS IS A FEDERAL LOAN THAT I MUST REPAY.

Signature of Borrower

Date

Signature of Spouse (if consolidating jointly)

Date

.../appentry.PrintConfirmServlet?Button\_Pressed\_Hid=continue&PrintConfirm\_Mail\_Hid=n&Pr11/8/00



EXHIBIT B

U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 1

Michael Silla  
140 W. End Avenue Apt. 17G  
New York, NY 10023-6142  
Account No. 073544089

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 06/11/07.

On or about 12/29/00, the borrower executed a promissory note to secure a Direct Consolidation loan from the U.S. Department of Education. This loan was disbursed for \$47,583.09 on 02/26/01, at 8.25 percent interest per annum. The loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et seq. (34 C.F.R. Part 685). The Department demanded payment according to the terms of the note, and the borrower defaulted on the obligation on 12/16/01. Pursuant to 34 C.F.R. § 685.202(b), a total of \$0.00 in unpaid interest was capitalized and added to the principal balance.

The Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$47,583.09
Interest:	\$24,396.53

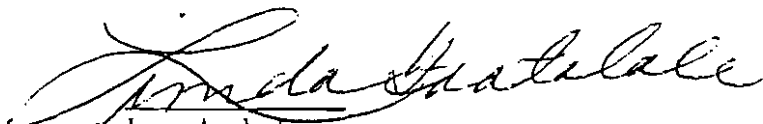
Total debt as of 06/11/07:	\$71,979.62
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Interest accrues on the principal shown here at the rate of \$10.75 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on:

1/17/07

  
Loan Analyst  
Litigation Support

COUNTY

ATTORNEY(S): Kathleen A. Zebrowski Esq. : U.S. Attorney's Office - SDNY PH: 212-637-2710  
ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

Court Date:

UNITED STATES OF AMERICA,  
vs.  
MICHAEL SILLA,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

GERALD MURRAY, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On September 1, 2007 at 1:54 PM at 140 WEST END AVE APT # 17G NEW YORK, NY 10023-6142, deponent served the within

Summons and Verified Complaint

with Index Number 07 CV 7488, and Date Purchased August 23, 2007 endorsed thereon, on: MICHAEL SILLA, Defendant therein named.

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- #2 CORPORATION ☐ By delivering to and leaving with \_\_\_\_\_ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

- #3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to RUDOLFO GOMEZ - DOORMAN a person of suitable age and discretion. Said premises is recipient's [ ] actual place of business [X] dwelling house (usual place of abode) within the state.
- #4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [ ] actual place of business [ ] dwelling house (place of abode) within the state.

- #5 MAIL COPY ☒ On September 4, 2007, deponent completed service under the last two sections by depositing a copy of the Summons and Verified Complaint to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. \_\_\_\_\_

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

- #6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [ ] Unknown at Address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] Other: \_\_\_\_\_

- #7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Sex Male Color of skin Brown Color of hair Gray Age 36 - 50 Yrs. Height 5' 9" - 6' 0"  
(use with #1, 2 or 3) Weight 161 - 200 Lbs. Other Features: Mustache/Beard/Glasses

- #8 WIT FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

- #9 MILITARY SRVC ☒ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.

- #10 OTHER ☐

Sworn to before me on this 4 day of September, 2007

BARBARA A. SHURDIN  
NOTARY PUBLIC, State of New York  
No. 30-5004737, Qualified In Nassau County  
Commission Expires November 23, 2010



GERALD MURRAY  
Server's Lic # 0872285  
Invoice/Work Order # 0742647

CAPITAL PROCESS SERVERS, INC. 265 POST AVENUE SUITE 150, WESTBURY, NY 11590 -TEL 516-333-6380 • FAX 516-333-6382

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA, :

Plaintiff, :

- v - :

CLERK'S CERTIFICATION

MICHAEL SILLA, :

07 CIV 7488 (RJS)

Defendant. :

-----x

I, J. Michael McMahon, Clerk of the United States District Court for the Southern District of New York, do hereby certify that the docket entries in the above-captioned case show that the complaint was filed on August 23, 2007; that the defendant was served with the summons and complaint by leaving a copy at his place of residence with a person of suitable age and discretion on September 1, 2007; and that the summons and the Affidavit of Service were filed in the Clerk's Office on September 11, 2007. I further certify that the docket entries show that defendant has not filed an answer or otherwise moved with respect to the complaint and that the time for defendant to do so has expired. The default of defendant is hereby noted.

Dated: New York, New York

December 19, 2007

*J. Michael McMahon*

\_\_\_\_\_  
CLERK